

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MANDRELL L. SWINEY JR.,

Plaintiff,

vs.

CITY OF OMAHA, NEBRASKA, a
municipal corporation; COUNTY OF
DOUGLAS, Nebraska a political
subdivision; MARISA BOYCE, #2056, in
her individual and official capacity as a
Detective of the Omaha Police Department;
and NATHANIEL BARNHILL, In his
individual and official capacity as a Deputy
Douglas County Attorney;

Defendants.

8:25CV11

ORDER STAYING CASE

This matter is before the court upon the notice of death of Plaintiff Mandrell Swiney, Jr. ([Filing No. 61](#)). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. The notice of death was filed on June 25, 2025. Upon the suggestion of Plaintiff's death ([Filing No. 61](#)),

IT IS ORDERED:

- 1) This case is stayed until September 25, 2025, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.

- 2) On or before September 25, 2025, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).
- 4) The clerk shall set a case management deadline of September 25, 2025 to confirm compliance with this order.

Dated this 27th day of June, 2025.

BY THE COURT:

s/ Ryan C. Carson
United States Magistrate Judge